

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

AMERICAN CABLE ASSOCIATION,
CTIA – THE WIRELESS ASSOCIATION,
NCTA – THE INTERNET & TELEVISION
ASSOCIATION, NEW ENGLAND CABLE
& TELECOMMUNICATIONS
ASSOCIATION, and USTELECOM – THE
BROADBAND ASSOCIATION, on behalf of
their members,

Plaintiffs,

v.

PHILIP B. SCOTT, in his official capacity as
the Governor of Vermont; SUSANNE R.
YOUNG, in her official capacity as the
Secretary of Administration; JOHN J. QUINN
III, in his official capacity as the Secretary and
Chief Information Officer of the Vermont
Agency of Digital Services; and JUNE E.
TIERNEY, in her official capacity as the
Commissioner of the Vermont Department of
Public Service,

Defendants.

Case No. 2:18-cv-00167-CR

**[PROPOSED] ORDER REGARDING TEMPORARY STAY OF LITIGATION
AND INJUNCTION BARRING ENFORCEMENT OF
EXECUTIVE ORDER NO. 2-18 AND ACT 169**

Plaintiffs the American Cable Association, CTIA – The Wireless Association, NCTA – The Internet & Television Association, New England Cable & Telecommunications Association, and USTelecom – The Broadband Association (collectively, “Plaintiffs”), and Defendants Philip B. Scott, Susanne R. Young, John J. Quinn III, and June E. Tierney in their official capacities (“Defendants,” and collectively with Plaintiffs, the “Parties”) have submitted a Stipulation Regarding Temporary Stay of Litigation and Injunction Barring Enforcement of Executive Order

No. 2-18 and Act 169 (referred to in Plaintiffs' Complaint as Senate Bill 289). Having considered the Stipulation, and good cause appearing, the Court orders as follows:

1. Further proceedings in *American Cable Ass'n v. Scott*, No. 2:18-cv-00167-CR, shall be stayed until the later of the following: (a) the D.C. Circuit issues its opinion in the petitions for review of the FCC Order currently pending in *Mozilla Corp. v. FCC*, Nos. 18-1051 *et al.* (D.C. Cir.), and the period for seeking further review from the D.C. Circuit and the U.S. Supreme Court has expired; or (b) a final decision has been issued by the D.C. Circuit or the U.S. Supreme Court in response to any petition for rehearing or certiorari, either denying such petition or issuing a final decision.

2. Defendants shall be enjoined from taking any action to enforce, or direct the enforcement of, Executive Order No. 2-18 and Act 169 in any respect until 30 days after the expiration of the stay and shall not take any future actions to enforce Executive Order No. 2 18 or Act 169 based upon conduct occurring during the period of the stay.

3. Plaintiffs shall not seek attorneys' fees based on time spent litigating this action prior to the dissolution of the stay.

4. The Parties' stipulation shall neither be construed as bearing on the merits of the action, nor be considered precedent in this or any other matter. Nor shall this order be considered in the adjudication of any dispositive motions.

IT IS SO ORDERED:

Dated: _____

Hon. Christina Reiss
U.S. District Court Judge

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